

EXHIBIT A

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE JACQUELINE SCOTT CORLEY

CARLA ECHAVARRIA, ET AL.,)	
)	
PLAINTIFFS,)	
)	
VS.)	CASE NO. 18-CV-05982 WHA
)	
FACEBOOK, INC.,)	
)	MONDAY, JULY 1, 2019
DEFENDANT.)	SAN FRANCISCO, CALIFORNIA
)	
)	

TRANSCRIPT OF PROCEEDINGS OF THE OFFICIAL ELECTRONIC SOUND

RECORDING 2:05 P.M. - 2:18 P.M.

APPEARANCES:

FOR PLAINTIFF LOCKRIDGE GRINDAL NAUEN PLLP
100 WASHINGTON AVENUE SOUTH, SUITE 2200
MINNEAPOLIS, MINNESOTA 55401

BY: KATE BAXTER-KAUF, ESQUIRE

MILBERG TADLER PHILLIPS GROSSMAN LLP
505 14TH STREET, SUITE 1110
OAKLAND, CA 94612

BY: A.J. DEBARTOLOMEO, ESQUIRE

FOR DEFENDANT LATHAM & WATKINS LLP
505 MONTGOMERY STREET, SUITE 2000
SAN FRANCISCO, CALIFORNIA 94111

BY: MELANIE MARILYN BLUNSCHI, ESQUIRE
SHERIDAN LEE CALDWELL, ESQUIRE

TRANSCRIBED BY: JOAN MARIE COLUMBINI, CSR #5435, RPR
RETIRED OFFICIAL COURT REPORTER, USDC

1 MONDAY, JULY 1, 2019

2:05 P.M.

2 (TRANSCRIBER'S NOTE: DUE AT TIMES TO COUNSELS' FAILURE TO
3 IDENTIFY THEMSELVES WHEN SPEAKING, CERTAIN SPEAKER
4 ATTRIBUTIONS ARE BASED ON EDUCATED GUESS.)

5 ---000---

6 ELECTRONICALLY RECORDED PROCEEDINGS

7 **THE CLERK:** CIVIL ACTION C-18-5982, ECHAVARRIA VERSUS
8 FACEBOOK, INC.

9 COUNSEL, PLEASE COME TO THE PODIUM AND STATE YOUR
10 APPEARANCE.

11 **MS. BAXTER-KAUF:** GOOD AFTERNOON, YOUR HONOR. KATE
12 BAXTER-KAUF, LOCKRIDGE GRINDAL NAUEN, FOR THE PLAINTIFFS.

13 **THE COURT:** CAN YOU STATE YOUR LAST NAME AGAIN?

14 **MS. BAXTER-KAUF:** BAXTER-KAUF B-A-X-T-E-R HYPHEN
15 K-A-U-F.

16 **THE COURT:** THANK YOU. ALL RIGHT.

17 AND YOU HAVE WITH YOU?

18 **MS. BAXTER-KAUF:** I HAVE WITH ME...

19 **MS. DeBARTOLOMEO:** GOOD AFTERNOON, YOUR HONOR. A.J.
20 DEBARTOLOMEO. TADLER LAW.

21 **THE COURT:** ALL RIGHT. GOOD MORNING -- OR GOOD
22 AFTERNOON.

23 **MS. BLUNSCHI:** HI. MELANIE BLUNSCHI FOR FACEBOOK,
24 AND WITH ME IS MY COLLEAGUE SHERIDAN CALDWELL.

25 **THE COURT:** ALL RIGHT. GOOD AFTERNOON.

1 OKAY. SO THIS IS WHAT -- I COULDN'T FIGURE OUT FROM
2 THE DOCKET EXACTLY WHAT YOUR CLASS CERTIFICATION SCHEDULE IS
3 BECAUSE WHAT I WANT TO MAKE SURE IS THAT EVERYBODY GETS THE
4 OPPORTUNITY TO TEST EACH SIDE'S EVIDENCE FOR CLASS CERT.

5 SO YOUR MOTION IS DUE AUGUST 15TH?

6 **MS. BAXTER-KAUF:** YES, THAT'S CORRECT.

7 **THE COURT:** AND WHEN IS YOUR OPPOSITION DUE?

8 **MS. BLUNSCHI:** WE BELIEVE IT'S DUE AUGUST 29TH. IT'S
9 BEING HEARD ON A 35-DAY --

10 **THE COURT:** OH, SO IT'S JUST THE REGULAR SCHEDULE?

11 **MS. BLUNSCHI:** EXACTLY.

12 **THE COURT:** SO HERE'S THE PROBLEM THAT THEY HAVE.
13 ARE ANY OF THESE ABSENT CLASS MEMBERS, FORMERLY NAMED
14 PLAINTIFFS, WHO THEY'RE SEEKING TO DEPOSE, ARE ANY OF THEM
15 SUBMITTING ANY TESTIMONY, DECLARATIONS, OR ANYTHING IN SUPPORT
16 OF CLASS CERTIFICATION?

17 **MS. BAXTER-KAUF:** NO, YOUR HONOR.

18 **THE COURT:** NO. SO YOU'VE SORT OF WITHDRAWN, YOU'RE
19 NOT GOING TO RELY ON THEM IN ANY WAY?

20 **MS. BAXTER-KAUF:** THAT'S CORRECT.

21 **THE COURT:** ALL RIGHT. SO WHAT I HAVE HERE IS THAT
22 YOUR LETTER SAID, WELL, WE NEED TO TEST OUT THEIR ALLEGATIONS
23 OF DAMAGE, WHICH WOULD BE TRUE IF THEY WERE MAKING AN
24 ALLEGATION OF DAMAGE, BUT, AS I UNDERSTAND IT, THEY'RE NO
25 LONGER MAKING THAT, RIGHT? YOU'RE NOT -- YOUR MOTION ISN'T

1 GOING TO SAY, WELL, WE HAVE THESE PEOPLE -- THEY'RE NOT EVEN
2 GOING TO BE REFERRED TO.

3 **MS. BAXTER-KAUF:** THAT'S CORRECT, YOUR HONOR.

4 **THE COURT:** OKAY. ALL RIGHT.

5 SO GIVEN THAT THEN, WITH THAT UNDERSTANDING, I DON'T
6 KNOW THAT YOU NEED IT RIGHT NOW.

7 **MS. BLUNSCHI:** WELL, THE OPERATIVE COMPLAINT STILL
8 INCLUDES A NUMBER OF TYPES OF INJURIES AND TYPES OF DAMAGES
9 THAT PLAINTIFF ATKINS, FOR EXAMPLE, DOES NOT ALLEGE. SO TO THE
10 EXTENT THAT PLAINTIFFS ARE GOING TO CONTINUE ALLEGING TYPES OF
11 INJURIES SUCH AS ACTUAL IDENTITY THEFT, CREDIT CARD CHARGES
12 THAT WERE COMPROMISED, TIME SPENT DEALING WITH FISHING EMAILS,
13 AND OTHER ISSUES, AND OTHER SORTS OF DAMAGES LIKE THIS. AND WE
14 THINK IT'S PERTINENT TO SPEAK TO A SELECTION OF CLASS MEMBERS
15 WHO HAVE SAID THAT THESE PROBLEMS BEFELL THEM.

16 **THE COURT:** IT'S AS IF THEY NEVER SAID IT. IN A
17 SENSE, YOU'RE SORT OF WITHDRAWING THEM, RIGHT?

18 **MS. BAXTER-KAUF:** CORRECT.

19 **THE COURT:** IT'S LIKE THEY NEVER SAID IT, SO IT'S
20 SORT OF A TREE FALLS AND NO ONE HEARD IT, DID IT MAKE A NOISE?
21 THEY'RE NOT -- THEY'RE NOT -- THEY MAY ARGUE THERE WAS ACTUAL
22 IDENTITY THEFT BUT NOT BY POINTING TO THESE PEOPLE AT ALL.
23 LIKE, THEY'RE IRRELEVANT TO THE MOTION FOR CLASS CERTIFICATION.

24 NOW, I DON'T KNOW IN TERMS OF TRIAL, I GUESS, OR
25 SUMMARY JUDGMENT, I DON'T KNOW IF WE'RE THERE YET.

1 WHAT IS YOUR -- OH, YOU KNOW WHAT? I FORGOT TO
2 SAY -- I WANTED TO START OFF BY THANKING ALL OF YOU BY HOW HARD
3 AND COOPERATIVELY YOU'VE BEEN WORKING ON DISCOVERY.

4 SO JUDGE ALSUP SENT THIS TO ME A WHILE AGO, AND SINCE
5 THEN THE ONLY PEEPS I'VE HEARD HAVE BEEN STIPULATIONS. AND I
6 KNOW THAT THERE HAVE BEEN A LOT OF HARD-FOUGHT NEGOTIATIONS
7 BEHIND THE SCENE, AND I REALLY APPRECIATE THAT, AND THIS HAS
8 BEEN A MODEL CASE IN THAT SENSE. AND BEING HERE TODAY, I DON'T
9 FAULT YOU AT ALL. IT SEEMS LIKE A PERFECTLY APPROPRIATE
10 DISPUTE TO BRING TO MY ATTENTION. BUT I DID WANT TO MAKE NOTE
11 OF THAT, THAT I AM APPRECIATIVE OF THAT.

12 **MS. BAXTER-KAUF:** THANK YOU.

13 **MS. BLUNSCHI:** THANK YOU.

14 **THE COURT:** YES. SO, I GUESS I JUST -- I -- THEY'RE
15 JUST AN ABSENT CLASS MEMBER. THEIR NAME'S NOT COMING UP. IT'S
16 AS IF THEY DIDN'T SUFFER ANY DAMAGE.

17 **MS. BLUNSCHI:** AND SO IF WE WERE IN A POSITION WHERE
18 ALL OF THE OTHER TYPES OF INJURIES AND DAMAGES THAT ARE NOT
19 BEING ALLEGED BY MR. ATKINS WOULD BE WITHDRAWN AND WE WOULD
20 HAVE AN UNDERSTANDING THAT NONE OF THESE OTHER TYPES OF DAMAGES
21 WOULD BE IN PLAY, THEN THAT MIGHT BE DIFFERENT. BUT WHAT WE'RE
22 GOING TO BE STRUGGLING WITH ON THE CLASS CERTIFICATION MOTION,
23 ESPECIALLY FACING A NEGLIGENCE CLAIM, IS QUESTIONS AROUND
24 PREDOMINANCE AND TYPICALITY AND WHETHER MR. ATKINS' DAMAGES ARE
25 TYPICAL OF THE CLASS --

1 **THE COURT:** SO --

2 **MS. BLUNTSCHI:** -- AND WHAT SORTS OF OTHER DAMAGES
3 WE'RE GOING TO BE WRESTLING WITH.

4 **THE COURT:** WELL -- AND THAT'S GOING TO BE THEIR
5 BURDEN, RIGHT?

6 SO LET ME ASK YOU THIS, THOUGH, BECAUSE THE
7 SCHEDULE -- SOMETIMES YOU HAVE CLASS CERT SCHEDULES THAT WORK
8 IN TIME ON BOTH -- ON BOTH FOR -- DO YOU ANTICIPATE THAT YOU
9 WILL BE USING ANY TESTIMONY OTHER THAN MR. ATKINS HIMSELF?

10 **MS. BAXTER-KAUF:** I WOULD ANTICIPATE WE'D HAVE
11 EXPERTS POTENTIALLY.

12 **THE COURT:** OTHER THAN EXPERTS, ANY --

13 **MS. BAXTER-KAUF:** NO.

14 **THE COURT:** -- INDIVIDUALS, RIGHT? OKAY. BECAUSE
15 WHAT I WAS GOING TO SUGGEST IS IF -- THE THOUGHT THAT WE WORK
16 OUT SOMETHING TO DO THAT, BUT THEY'RE NOT GOING TO DO THAT, SO
17 YOU'RE NOT GOING TO HAVE IT.

18 SO, YOU HAVE AN ARGUMENT THAT BECAUSE MR. ATKINS ONLY
19 SUFFERED WHAT HE SUFFERED, HE IS NOT AN APPROPRIATE CLASS REP
20 FOR PEOPLE WHO SUFFERED -- TO THE EXTENT THERE ARE ANY, AND WE
21 DON'T HAVE ANY EVIDENCE THAT THERE ARE, RIGHT? AND THAT WILL
22 BE FAIR BECAUSE THEY'RE NOT PUTTING IT IN. SHE'S --
23 MS. BAXTER-KAUF IS NODDING YES. THEN YOU MAKE THAT ARGUMENT,
24 BUT I DON'T THINK YOU NEED THEIR DEPOSITIONS AT ALL BECAUSE
25 IT'S AN ARGUMENT. IN FACT, I THINK YOU PROBABLY DON'T WANT

1 THEM.

2 **MS. BLUNSCHI:** WELL, I THINK -- I SUPPOSE IT DEPENDS.
3 IT DEPENDS WHAT THEY'RE GOING TO SAY. AND IT ALSO DEPENDS ON
4 WHETHER SOME OF THE ALLEGED INJURIES WOULD END UP COMING IN
5 THROUGH AN EXPERT. SO IF WE'RE GOING TO HAVE AN EXPERT THAT
6 THEN TALKS ABOUT, YOU KNOW, FISHING EMAILS THAT, YOU KNOW, THAT
7 WE'VE NEVER SEEN, OR IDENTITY THEFT, OR PEOPLE'S INFORMATION
8 BEING FOR SALE ON THE DARK WEB, WHICH WE UNDERSTAND WE ARE
9 LIKELY TO BE FACING, THEN IT STRIKES ME AS APPROPRIATE THAT WE
10 SHOULD BE ABLE TO AGAIN TEST --

11 **THE COURT:** IS HE GOING TO BE RELYING ON ANY
12 INFORMATION FROM -- FROM INDIVIDUALS?

13 **MS. BAXTER-KAUF:** FROM THE UNNAMED CLASS -- FROM THE
14 UNNAMED CLASS MEMBERS?

15 **THE COURT:** YEAH, OTHER THAN MR. ATKINS.

16 **MS. BAXTER-KAUF:** WELL, IF WE -- WE STILL HAVEN'T
17 OPENED (INDISCERNIBLE) WE COULD AND THEN AMEND THE COMPLAINT TO
18 POTENTIALLY ADD BACK IN MR. BASS. SO, I'M NOT GOING TO SPEAK
19 TO THAT, BUT --

20 **THE COURT:** YEAH.

21 **MS. BAXTER-KAUF:** -- BECAUSE THAT DEADLINE HAS NOT
22 RUN YET.

23 BUT OTHER THAN ANY NAMED CLASS MEMBER, NO.

24 **THE COURT:** HE WON'T BE RELYING ON ANYTHING FROM
25 THEM?

1 **MS. BAXTER-KAUF:** OUR EXPERT, NO.

2 **THE COURT:** HAVE YOU -- YOU EACH ARE GOING TO HAVE
3 EXPERTS, I SUPPOSE. IS FACEBOOK? AND HAVE YOU TALKED ABOUT
4 HOW -- I MEAN, USUALLY, YOU DO DEPOSE EACH OTHER'S EXPERTS IN
5 CONNECTION WITH THE CLASS CERT. HAVE YOU FIGURED OUT HOW TO DO
6 THAT IN YOUR CONSTRAINED TIME? NO.

7 (SIMULTANEOUS COLLOQUY.)

8 **THE COURT:** SO I THOUGHT MAYBE WE COULD TALK ABOUT
9 THAT.

10 WHAT I WAS THINKING IS -- AND MAYBE YOU DON'T WANT TO
11 TELL THEM WHO YOUR EXPERT IS YET, BUT YOU COULD PICK A DATE TO
12 COME THE WEEK FOLLOWING THE FILING OF YOUR MOTION, PUT IT ON
13 CALENDAR. YOU CAN PICK THE LOCATION.

14 YOU'RE GOING TO GET IT. YOU TAKE THE DEPOSITION AND
15 THEN DO THE SAME THING FOR -- PICK A DATE IMMEDIATELY FOLLOWING
16 THEIR OPPOSITION FOR YOU TO TAKE THEIR EXPERT'S DEPOSITION,
17 THAT WAY YOU'LL EACH BE TAKING THE DEPOSITION WITH THEIR -- IS
18 THERE AN EXPERT TO EVEN REPORT A DISCLOSURE DATE?

19 **MS. BAXTER-KAUF:** I DO NOT BELIEVE THERE IS ONE IN
20 ADVANCE OF THE CLASS CERTIFICATION MOTION, NO.

21 **THE COURT:** AND WHAT IS YOUR THINKING ABOUT THAT?

22 **MS. BLUNSCHI:** I THINK WE WOULD BE PERFECTLY WILLING
23 TO NEGOTIATE --

24 **THE COURT:** YEAH.

25 **MS. BLUNSCHI:** -- AFTER CLASS CERTIFICATION.

1 **THE COURT:** WHAT ABOUT REPORT, DISCLOSURES OF THE
2 REPORTS IN ADVANCE OR --

3 **MS. BAXTER-KAUF:** SO ORDINARILY WHEN WE FILL EXPERT
4 DECLARATIONS OR REPORTS WITH CLASS CERTIFICATION, THEY GET
5 FILED WITH THE CLASS CERTIFICATION MOTION.

6 **THE COURT:** CONTEMPORANEOUSLY.

7 **MS. BAXTER-KAUF:** -- CONTEMPORANEOUSLY. AND THEN WE
8 SORT OF --

9 **THE COURT:** OKAY.

10 **MS. BAXTER-KAUF:** -- TRANSITION DATES AFTER THAT.

11 **THE COURT:** I'VE SEEN IT DONE BOTH WAYS. ORDINARILY,
12 OR OFTEN, YOU HAVE MORE THAN TWO WEEKS AND ONE WEEK. I MEAN,
13 THAT'S -- THAT'S A LITTLE BIT PROBLEMATIC. BASICALLY, YOU'RE
14 GOING TO WANT TO SCHEDULE YOUR DEPO OF THEIR EXPERT LIKE --
15 WHAT DAY IS IT? IS IT A THURSDAY THAT YOU HAVE TO FILE BY?

16 **MS. BAXTER-KAUF:** THE 29TH -- I'M AFRAID I'M --

17 **THE COURT:** OF JULY?

18 (SIMULTANEOUS COLLOQUY.)

19 **MS. BAXTER-KAUF:** THE 29TH OF AUGUST.

20 **THE COURT:** IS A THURSDAY, RIGHT?

21 **MS. BAXTER-KAUF:** YEAH.

22 **THE COURT:** YOU'LL PROBABLY WANT TO SCHEDULE IT
23 FOR --

24 **MS. BLUNSCHI:** VERY QUICKLY, SINCE THAT'S THE --

25 **THE COURT:** MONDAY AT THE LATEST.

1 (SIMULTANEOUS COLLOQUY.)

2 **THE COURT:** OH, IT IS?

3 **MS. BLUNSCHI:** I DON'T WANT TO SPEAK OUT OF TURN ON
4 SCHEDULING ISSUES, BUT I SUSPECT THAT WE MAY BE REACHING OUT TO
5 ONE ANOTHER TO SEE IF THERE IS SOME FLEXIBILITY THAT WE MIGHT
6 BE ABLE TO PROPOSE TO THE COURT (INDISCERNIBLE).

7 **THE COURT:** AND IT'S NOT MY DECISION, THOUGH.

8 **MS. BLUNSCHI:** UNDERSTOOD.

9 **THE COURT:** YOU KNOW WHERE YOU ARE.

10 **MS. BLUNSCHI:** YES, BUT --

11 **THE COURT:** YEAH. ALL RIGHT. WELL, OKAY. GREAT.
12 ALL RIGHT.

13 SO IT SOUNDS LIKE -- THAT'S WHAT I WOULD ENCOURAGE
14 YOU TO DO, IS TO THE EXTENT NOW, SINCE YOU'VE BEEN WORKING SO
15 WELL, WORK OUT SOMETHING BECAUSE -- MY CONCERN (INDISCERNIBLE)
16 BENCH IS I WANT TO MAKE SURE EVERYBODY GETS THE DISCOVERY THEY
17 NEED TO FAIRLY MOVE, RESPOND TO THEIR OPPOSITION, AND YOU
18 RESPOND TO THAT.

19 THOSE ABSENT PEOPLE, YOU WILL NOT HEAR FROM THEM.
20 THAT'S A REPRESENTATION THAT HAS BEEN MADE TO THE COURT ON THE
21 RECORD. SO THERE'S NOTHING TO DEPOSE BECAUSE THERE'S NOTHING
22 TO TEST. THEY WON'T BE REFERRED TO, RELIED ON. THE EXPERT
23 ISN'T RELYING ON. IT'S AS IF THEY NEVER CAME FORWARD IN THE
24 FIRST PLACE.

25 **MS. BLUNSCHI:** SO SINCE THERE IS NO ALLEGATION

1 REGARDING MR. ATKINS' INFORMATION BEING FOR SALE ON THE DARK
2 WEB, THEN CAN WE ASSUME THAT THE EXPERT WILL NOT BE RELYING ON
3 INFORMATION FOR SALE ON THE DARK WEB AS AN INJURY?

4 **MS. BAXTER-KAUF:** I DON'T KNOW WHAT OUR EXPERTS WILL
5 SAY AS OF NOW, BUT I -- I MEAN, I AGREE WITH YOUR HONOR THAT
6 THE DEFENDANTS CAN MAKE WHATEVER ARGUMENT THEY WANT ABOUT
7 EITHER STANDING OF THE CLASS REPRESENTATIVES TO REPRESENT
8 ANYONE WITH DIFFERENT INJURIES OR TYPES OF THEORIES OF DAMAGES.

9 **THE COURT:** BUT THE REPRESENTATION IS THE EXPERT WILL
10 NOT HAVE RELIED ON WHAT THESE FORMER NAMED PLAINTIFFS SAID --

11 **MS. BAXTER-KAUF:** YES.

12 **THE COURT:** -- AT ALL.

13 **MS. BAXTER-KAUF:** YES.

14 **THE COURT:** SO HE MAY SAY WHATEVER HE SAID. MAYBE
15 HE'S GOING TO SAY HE DID HIS OWN RESEARCH, AND THEN YOU CAN
16 ATTACK THAT HOWEVER YOU WANT TO ATTACK IT. BUT IT WILL NOT IN
17 ANY WAY RELY ON THESE FORMER NAMED PLAINTIFFS.

18 **MS. BAXTER-KAUF:** YES, AND THAT'S NOT --

19 **THE COURT:** AND TWO OF THEM I THINK AREN'T EVEN
20 FORMER NAMED PLAINTIFFS, BUT JUST WERE IDENTIFIED IN INITIAL
21 DISCLOSURES; IS THAT RIGHT?

22 **MS. BLUNSCHI:** THEY WERE -- THEY DID OFFER SPECIFIC
23 TYPES OF DAMAGES THAT THEY ALLEGED THAT THEY SUFFERED.

24 **THE COURT:** YEAH.

25 **MS. BLUNSCHI:** BUT THEY WERE NOT NAMED PLAINTIFFS.

1 **THE COURT:** IT'S ALL SORT OF WITHDRAWN NOW, IS THAT
2 IT, ESSENTIALLY?

3 **MS. BAXTER-KAUF:** THAT'S CORRECT, YOUR HONOR.

4 **THE COURT:** IT'S WITHDRAWN. ALLEGATION'S WITHDRAWN,
5 AND IT IS WHERE WE'RE AT.

6 ALL RIGHT. SO WITH THAT I THINK THE MOTION IS MOOT
7 IN A WAY.

8 **MS. BLUNSCHI:** IF WE DO FIND OURSELVES WITH AN EXPERT
9 REPORT THAT RELIES ON PARTICULAR INDIVIDUALS --

10 **THE COURT:** SO, WELL, SEE THE OTHER THING I WANT TO
11 HAVE YOU COME IN TODAY BECAUSE WE HAVEN'T HAD THE CHANCE TO
12 MEET. YOU CAN ALWAYS -- WHEN YOU HAVE SOMETHING THAT COMES UP,
13 CONTACT MS. MEANS, AND I'M HAPPY TO GET ON THE TELEPHONE WITH
14 THE PARTIES INFORMALLY, RIGHT, WITHOUT A WRITTEN ANYTHING, AND
15 TALK -- SEE IF I CAN ASSIST THE PARTIES IN GETTING IT RESOLVED.

16 I'M CONFIDENT THAT'S NOT GOING TO HAPPEN.
17 MS. BAXTER-KAUF MADE THAT REPRESENTATION. THEY'RE NOT RELYING
18 ON THEM AT ALL. I THINK IF THEY WERE RELYING ON THEM, THEY
19 WOULD HAVE SAID, GO AHEAD AND DEPOSE THEM, BECAUSE THEY
20 UNDERSTAND THAT THAT WOULD HAVE BEEN THEN RELEVANT AT THAT
21 TIME.

22 **MS. BAXTER-KAUF:** YES, YOUR HONOR.

23 **THE COURT:** BUT IF SOMETHING SHOULD COME UP, JUST
24 CONTACT MS. MEANS, AND I'LL GET ON THE PHONE WITH YOU AS SOON
25 AS POSSIBLE. I'M ACTUALLY AROUND ALL OF AUGUST.

1 **MS. BLUNSCHI:** EXCELLENT. WE MAY BE IN A BIT OF A
2 TIME CRUNCH IF WE'RE SUDDENLY HAVING TO DEAL WITH --

3 **THE COURT:** JUST TELL HER YOU NEED TO SPEAK WITH ME
4 URGENTLY.

5 WHEN JUDGE ALSUP REFERS THINGS TO ME FOR DISCOVERY, I
6 RECOGNIZE THAT A BIG PART OF MY JOB IS HELPING THE PARTIES KEEP
7 TO HIS SCHEDULE.

8 (SIMULTANEOUS COLLOQUY.)

9 **THE COURT:** I THINK HE SENT THIS TO ME BECAUSE I DID
10 WAYMO FOR HIM, AND THAT WAS -- THIS WILL BE NOTHING LIKE
11 THAT -- AND THAT WAS A LOT OF HASH- -- WHAT DID WE HAVE? LIKE,
12 THREE TO FIVE MOTIONS A WEEK. YEAH. BUT YOU ALL ARE WORKING
13 VERY COOPERATIVELY.

14 **MS. BAXTER-KAUF:** WE ARE PROCEEDING WITH ALACRITY,
15 YES.

16 **THE COURT:** I READ THAT TRANSCRIPT.

17 OKAY. ALL RIGHT. SO WE HAVE A PLAN THEN. YOU GUYS
18 SHOULD KEEP -- YOU SHOULD -- I WOULD DO IT AS SOON AS POSSIBLE,
19 FIGURE OUT WHAT YOU WANT TO DO ABOUT SCHEDULING AND DEPOS AND
20 THINGS LIKE THAT. IF YOU WANT TO STIP TO AN EXTENSION, AND YOU
21 MAY HAVE GOOD REASON BECAUSE OF LABOR DAY IN THERE, AND YOU'RE
22 WORKING COOPERATIVELY AND YOU WANT TO TAKE THOSE EXPERT DEPOS,
23 I WOULD GET THAT STIP IN SOONER RATHER THAN LATER.

24 **MS. BAXTER-KAUF:** YES, YOUR HONOR. THANK YOU.

25 **THE COURT:** OKAY.

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MS. BLUNSCHI: THANK YOU. YOUR HONOR.

THE COURT: OKAY. THANK YOU.

(PROCEEDINGS ADJOURNED AT 2:18 P.M.)

CERTIFICATE OF TRANSCRIBER

I CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT
TRANSCRIPT, TO THE BEST OF MY ABILITY, OF THE ABOVE PAGES OF
THE OFFICIAL ELECTRONIC SOUND RECORDING PROVIDED TO ME BY THE
U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, OF THE
PROCEEDINGS TAKEN ON THE DATE AND TIME PREVIOUSLY STATED IN THE
ABOVE MATTER.

I FURTHER CERTIFY THAT I AM NEITHER COUNSEL FOR,
RELATED TO, NOR EMPLOYED BY ANY OF THE PARTIES TO THE ACTION IN
WHICH THIS HEARING WAS TAKEN; AND, FURTHER, THAT I AM NOT
FINANCIALLY NOR OTHERWISE INTERESTED IN THE OUTCOME OF THE
ACTION.



JOAN MARIE COLUMBINI

JULY 3, 2019